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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.			
10/020,030	10/30/2001	Steven Duane Myers	1483	8958			
21396 Sprint 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100	7590 03/22/2007		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>NGUYEN BA, HOANG VU A</td></tr></table>		EXAMINER	NGUYEN BA, HOANG VU A	
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NGUYEN BA, HOANG VU A							
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE					
3 MONTHS	03/22/2007	PAPER					

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/020,030	<b>Applicant(s)</b> MYERS, STEVEN DUANE	
	<b>Examiner</b> Hoang-Vu A. Nguyen-Ba	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is responsive to the amendment filed November 20, 2006.
2. Claims 32-47 are pending. Claims 32 and 40 are independent claims.

### *Response to Arguments*

3. Per Applicant's request, Claims 1-31 have been cancelled and new Claims 32-47 have been added.

4. The amendment filed November 20, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a. the "second subscriber unit" claimed in Claims 33, 41, 36, 44, 37, 45;
- b. the **multiplexer** (e.g., to "multiplex the first local demodulated signal onto a first local network for delivery to a first destination device" in Claim 34) in Claims 34, 42, 35, 43, 36, 44, 37, 45;
- c. the "second unicast signal" claimed in Claims 37, 45;
- d. the "third local demodulated signal" claimed in Claims 36, 44;
- e. the "second local network" claimed in Claims 36, 44;
- f. the "third destination device: claimed in Claims 36, 44; and
- g. the multiplexer that multiplexes the third local demodulated signal onto the second local network claimed in Claims 36, 44.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's cancellation of Claims 1-31 and introduction of new claims that have different scope(s) than those of the canceled claims.

***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features:

- a. the "second subscriber unit" claimed in Claims 33, 41, 36, 44, 37, 45;
- b. the **multiplexer** (e.g., to "multiplex the first local demodulated signal onto a first local network for delivery to a first destination device" in Claim 34) in Claims 34, 42, 35, 43, 36, 44, 37, 45;
- c. the "second unicast signal" claimed in Claims 37, 45;
- c. the "second unicast signal" claimed in Claims 37, 45;
- d. the "third local demodulated signal" claimed in Claims 36, 44;
- e. the "second local network" claimed in Claims 36, 44;
- f. the "third destination device: claimed in Claims 36, 44; and
- g. the multiplexer that multiplexes the third local demodulated signal onto the second local network claimed in Claims 36, 44

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 33, 41, 34, 42, 35, 43, 36, 44, 37, 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following features:

- a. the “second subscriber unit” claimed in Claims 33, 41, 36, 44, 37, 45;

- b. the **multiplexer** (e.g., to “multiplex the first local demodulated signal onto a first local network for delivery to a first destination device” in Claim 34) in Claims 34, 42, 35, 43, 36, 44, 37, 45;
- c. the “second unicast signal” claimed in Claims 37, 45 do not appear to be described in the specification;
- d. the “third local demodulated signal” claimed in Claims 36, 44;
- e. the “second local network” claimed in Claims 36, 44;
- f. the “third destination device: claimed in Claims 36, 44; and
- g. the multiplexer that multiplexes the third local demodulated signal onto the second local network claimed in Claims 36, 44  
do not appear to be described in the specification.

***Claim Rejections – 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 32-47 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,072,784 to Agrawal et al. (“Agrawal”).

**Claim 40**

Agrawal discloses:

*in a network transceiver* (see at least FIG. 1, B Station; it is noted that although shown separate from the Base Station, the transceiver 314 is actually part of the Base Station, as disclosed at 7:9-12):

*receiving a first unicast signal* (see at least 7:56 - 8:7; the claimed *unicast* signal being equated with data message);

*receiving a multicast signal* (see at least 7:56 - 8:7; the claimed *multicast* signal being equated with video message);

*processing the first unicast signal using a first code to generate a first code division multiple access (CDMA) signal* (see at least FIG. 1 which shows that the network is a CDMA wireless network with inherent processors to process/generate CDMA signals; see also background information on CDMA at 8:66 – 9:45);

*processing the multicast signal using a second code to generate a second CDMA signal* (see at least FIG. 1 which shows that the network is a CDMA wireless network with inherent processors to process/generate CDMA signals; see also background information on CDMA at 8:66 – 9:45);

*simultaneously transmitting the first CDMA signal and the second CDMA signal* (see at least FIG. 1 showing the B Station transmitting the two signals to stations X and Y; see also background information on CDMA at 8:66 – 9:45); *and*

*in a first subscriber unit* (see at least FIG. 1, either Station X or Y):

*receiving the first CDMA signal and the second CDMA signal* (see at least FIG. 1, either Station X or Y receiving the two signals; see also background information on CDMA at 8:66 – 9:45).

### **Claim 32**

Since Claim 32 is a wireless communication system version of Claim 40, the same rejection is deemed applicable to Claim 32.

### **Claims 41 and 33**

Agrawal further discloses *receiving the second CDMA signal in a second subscriber unit* (see at least FIG. 1, either Station X or Y receiving the two signals).

### **Claims 42 and 34**

Agrawal further discloses *in the first subscriber unit* (see at least FIG. 7):

*demodulating the first CDMA signal into a first local demodulated signal* (see at least FIG. 7, the signal incoming traffic to the first VC Queue on the left); *and*  
*multiplexing the first local demodulated signal onto a first local network for delivery to a first destination device* (see at least FIG. 7, the incoming traffic to VC Queue on the left being multiplexed with the out signal from the Application on the left to become the outgoing traffic to the mobile transmitter to be transmitted to a destination device, e.g., the base station).

### **Claims 43 and 35**

Agawal further discloses *in the first subscriber unit* (see at least FIG. 7):

*demodulating the second CDMA signal into a second local demodulated signal* (see at least FIG. 7, the incoming traffic signal to the VC Queue in the center); *and*

*multiplexing the second local demodulated signal onto the first local network for delivery to a first destination device* (see at least FIG. 7, the incoming traffic to VC



Queue in the center being multiplexed with the out signal from the Application in the center to become the outgoing traffic to the mobile transmitter to be transmitted to a destination device, e.g., the base station).

#### **Claims 44 and 36**

Agawal further discloses *in the second subscriber unit* (see at least FIG. 7):

*demodulating the second CDMA signal into a third local demodulated signal* (see at least FIG. 7, the signal incoming traffic to the VC Queue on the right);  
*and*

*multiplexing the third local demodulated signal onto a second local network for delivery to a third destination device* (see at least FIG. 7, the incoming traffic to VC Queue in the right being multiplexed with the out signal from the Application in the right to become the outgoing traffic to the mobile transmitter to be transmitted to a destination device, e.g., the base station).

#### **Claims 45 and 37**

Agawal further discloses:

*in the network transceiver* (see at least FIG. 1, Base Station B):

*receiving a second unicast signal* (see at least FIG. 1, Base Station B receiving a data signal from either the Internet, Intranet, or the PSTN to one of the VCs, e.g., VC3);

*processing the second unicast signal using a third code to generate a third CDMA signal* (see at least FIG. 1, processing of the above signal inside VC3 see also background information on CDMA at 8:66 – 9:45);

*transmitting the third CDMA signal*(see at least FIG. 1, B Station transmitting that signal to VC3 on the Mobile Station Y); *and*

*in the second subscriber unit (see at least FIG. 1, Mobile Station Y):*  
*receiving the third CDMA signal (see at least FIG. 1, receiving the*  
*above signal onto VC3);*  
*demodulating the third CDMA signal into a fourth local demodulated*  
*signal (see at least FIG. 1, processing the above signal by VC3 of the*  
*Mobile Station Y); and*  
*multiplexing the fourth local demodulated signal onto the second local network*  
*for delivery to a fourth destination device (see at least FIG. 1, Multiplexing the*  
*demodulated signal and transmitting the multiplexed signal to the*  
*“Subscribers”).*

#### **Claims 46 and 38**

Agrawal further discloses *wherein the multicast signal comprises video* (see at least 7:56 - 8:7; the claimed *multicast* signal being equated with video message).

#### **Claims 47 and 39**

Agrawal further discloses *wherein the first unicast signal comprises data* (see at least 7:56 - 8:7; the claimed *unicast* signal being equated with data message).

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:05 am to 5:35 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Art Unit: 2623

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

A handwritten signature in black ink, reading "Antony Nguyen-Ba". The signature is written in a cursive, flowing style.

ANTONY NGUYEN-BA  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100

March 16, 2007